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Singing the Law: The Musicality of Legal Performance

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Singing the Law: The Musicality of Legal Performance

Abstract

What would the law sound like if it was sung?

Whilst scholars have explored the relation between music and law, focus on the acoustic and musical dimensions of legal speech is relatively new. Exploring musical adaptations and remixes of legal transcripts, the paper argues that there is a latent musicality to legal speech.

Using as case studies Opera Australia's production of 'Lindy' and Donmar Warehouse's production of 'Committee', where legal speech was adapted verbatim from legal transcripts into musical score, the paper investigates what these composers have to say about their jurisprudential source material. Through advancing this notion of latent musicality within legal speech, this paper suggests that legal speech works best when it appeals to its audience in the way that music appeals to its listener in terms of rhythm, pitch, and tone.

Singing the Law: The Musicality of Legal Performance

Sean Mulcahy

Overture: Remixing the law

At a press conference in March 2020, after pubs had been shut in a bid to stop the coronavirus, a stern Premier Daniel Andrews told Victorians not to ‘get on the beers’ at home with their friends. Almost immediately, the ‘get on the beers’ quote inspired a host of memes, TikTok videos – where the ‘get on the beers’ hashtag has over 610,000 views – and music remixes. Australian musical duo Mashd N Kutcher (2020) remixed the quote to feature in an electronic song and posted it on YouTube (Prema 2020). The remix went viral, racking up over 1.5 million streams on Spotify and making it into the iTunes top 20 (Yussuf 2020). The remix played at a Perth festival, with festivalgoers dancing to the tune (Baj 2020). It was also part of a Christmas lights display in suburban Melbourne, with houses lighting up in sync to the music pumped through speakers and broadcast on a radio transmitter (Wahlquist 2020). Perhaps most surprisingly, the remix intersected with pandemic hit documentary *Tiger King* in a video featuring one of the show’s main protagonists, animal rights activist Carole Baskin, encouraging the Premier to ‘get on the beers’ (Gray 2020). The remix was subsequently nominated for radio station Triple J’s Hottest 100, an annual music listener poll of the year’s top 100 songs, finishing in twelfth spot. On Twitter, the Premier congratulated Mashed N Kutcher

Singing the Law: The Musicality of Legal Performance

and said that he was looking forward to their next collaboration (Gwee 2021).

As the Premier noted in his congratulations, parodies – including parodies of politicians’ speech – have made the countdown in previous years and, indeed, there are many examples of lawmakers’ speech being remixed.¹ Jeff van de Zandt’s TikTok video, which featured remixed audio taken from a press conference with Prime Minister Scott Morrison coupled with dancing, also went viral in 2020 (*Andrew/Katherine* 2020). In 2016, dialogue from a late night Australian Senate debate featuring Senator Stephen Conroy was turned into a remix by tired staffers (*Fancy Pants* 2016).² In 2014, composer Rob Davidson used former Prime Minister Julia Gillard’s famous misogyny speech as material for a choral work performed by Australian Voices (*Not Now, Not Ever!* 2014). Across the Pacific, Representative Maxine Waters’ repetition of ‘reclaiming my time’ during a United States House Financial Services Committee hearing was given a ‘bitch house’ remix by DJ Adam Joseph (*Reclaiming My Time* 2017),³ and the judgment in the United States Supreme Court case *Citizens United v Federal Election Commission* was given a Pulitzer Prize-nominated choral rendition by composer Ted Hearne (*(Ch)oral Argument* 2017). What these examples suggest is that remixes of lawmakers’ talk are becoming a form of popular music.

Of particular interest to this special issue on the acoustics of law and justice is what the composers have to say about their jurisprudential source material. In *Not Now, Not Ever!*, composer Rob Davidson’s approach was to write music to accompany ‘the rhythms and pitches as I found them’ within the Prime Minister’s speech (cited in Kouvaras 2018: 216). In her analysis of the work, Linda Kouvaras suggests that the composer is “‘getting inside” her voice to voice what she says’, examining Gillard’s ‘speech contours’, and highlighting her ‘speech-melody’, which is buried underneath the tone of her speech (ibid: 217, 222 and 207). In doing so, he ‘brings out the musicality within the person’ (ibid: 210). DJ Adam Joseph notes that, when listening to voice, the music within calls to him (Flick 2017). For van de Zandt, it is about picking up on and exaggerating the humour in the original (The Project 2020). His

import of dancing, particularly with a fan, allows a degree of creativity, such that the work is both taking from the humour of the original but also injecting a new layer of creative humour or parody common to videos on the medium of TikTok (see Ogbu 2020: 53, Harriss 2020). Ted Hearne's *(Ch)oral Argument* is slightly more complex. It derives from Jena Osman's poem *Citizens United v Federal Election Commission* where every phrase appears in order and in a position approximating the horizontal spot it appears on the page of the original judgment, but with certain phases excluded (Osman 2003: 170-3). Hearne describes how 'the remaining words jumped out at me and started to take on new meanings and inferences... The strange, new energy helped propel the decontextualised text into music' (cited in Judd 2017). What is particularly striking in the composers' description of their work is that there appears to be something inherently musical within the speech or words that the composer then adapts into a piece of music. The tracks thus raise a question as to whether there is an inherent musicality to the speech of lawmakers. That question is the focus of this article.

Listening to the music of legal speech

Legal trials have featured in many musicals and operas – *Trial by Jury* in the 1870s, *Chicago* in the 1970s, *Les Miserables* in the 1980s, *Parade* in the 1990s, *Legally Blonde* in the 2000s, *The Scottsboro Boys* in the 2010s, to list just some examples. Yet there are also discrete instances of what I term 'verbatim musilegal theatre', where legal speech has been adapted verbatim from legal transcripts into musical score. In this article, I consider two examples of this phenomenon: Opera Australia's 2002 production of *Lindy* and Donmar Warehouse's 2017 production of *Committee*, which both turn legal transcripts (in the case of *Committee*, the transcripts of a parliamentary inquiry) into a musical score. My approach is also informed by verbatim works that fall outside my definition of verbatim musilegal theatre, including the National Theatre's 2011 production of *London Road*, which deals with a trial but does not utilise the trial transcript. In this article, I explore what the compositional process of verbatim musilegal theatre can reveal about

Singing the Law: The Musicality of Legal Performance

the musicality of legal speech and its affect on legal audiences.

There have been a number of studies of legal speech but few that attend to its musical qualities. As William O’Barr notes in his study of courtroom language, ‘in contrast to the attention devoted to written legal language... relatively little is known about the nature of spoken legal language’ (O’Barr 1982: 23-4). Perhaps this is because so much of the law is communicated through writing: statutes, judgments, transcripts, textbooks and articles such as this. Nevertheless, this is a striking oversight given that one of the leading texts on evidence law claims that ‘perhaps the most important feature of a... trial, civil or criminal, is its “orality”’ (Heydon 2019: [17170]). As O’Barr states, ‘the style in which testimony is delivered strongly affects how favourably the witness is perceived, and by implication suggests that these sorts of differences may play a consequential role in the legal process itself’ (O’Barr 1982: 71). Much the same could be said for other forms of legal communication. O’Barr uses the term ‘court talk’ – a term coined by John Atkinson and Paul Drew (1979: 6-17) – to refer to ‘language varieties spoken in trial courtrooms’ (O’Barr, 1982: 40 n 14). In later work, Peter Goodrich uses the term ‘courtroom speech’ interchangeably with ‘legal speech’ (Goodrich 1990: 191-4). Atkinson and Drew caution that the use of phrases such as these is ‘perhaps misleading if it is taken to suggest that there is only one kind of talk in courts’ (Atkinson and Drew 1979: 34-5). As such, the term ‘legal speech’, which I adopt within this article to mean speech in legal institutions, including courts and parliaments, must also attend to the varied cadences of different legal settings and speakers that will themselves give rise to different musical responses.

It is notable that despite the attention given to the spoken word by O’Barr and others, there is very little discussion of the *sound* of legal speech, yet alone its musicality.⁴ Thus it may be productive to turn to the emerging scholarship on law and music. Drawing from diverse strands of scholarship, Des Manderson claims ‘the new field of law and music is slowly but surely... turning into a fully-fledged interdisciplinary claim, with its own methodology and its own epistemology, capable

of illuminating not just law or music, but both in light of the other' (Manderson 2014: 315-6). His seminal work *Songs without Music* contains criticism of 'law and music' writing that tends to treat the two as separate disciplines with arguments proceeding always by analogy or metaphor instead of recognising music as an intrinsic aspect of law (Manderson 2000: 32, see, for example, Frank 1947 and White 1984). And yet, even Manderson admits that he is deploying music mainly as 'a metaphor, a point of historical comparison, a frame of reference, a case study, and a... structural device' (Manderson 2000: 49). The point, then, is not to denigrate metaphor or analogy, but to recognise that within the literature law and music are treated as if they had a separate identity rather than being inseparably connected (see also Parker 2015: 29-33). Can we imagine, having been moved by Manderson and his fellow scholars to consider law and music, going further, to consider law *as* music?

It is in more recent works that there is a growing awareness of the musicality of legal speech. In one of the more contemporary contributions to law and music scholarship, James Parker argues that:

Speech and song are coextensive, separated more by degree than by type. It is the voice which presents their common denominator, the means by which the one always approaches the other. Indeed, we could say that the voice is precisely the musical in speech... It is precisely in the voice that music and lyric come together (ibid: 128-30).

Similarly, Gary Watt contends that law is made in courts and parliaments through 'acoustic articulation' and, further, that there are synergies in the processes of music making and law-making (Watt 2020: 28). The synergies and seepages between law and music – explored by Parker, Watt and others – can be turned to as a means by which to explore what is musical in legal speech (see also Ramshaw 2013).

Largely absent from the existing scholarship on legal language, this legal musicality has been picked up not only by contemporary law and music scholars but also by composers who have listened to and remixed legal speech in innovative ways. Their work suggests 'the notion that there is an inherent musicality to speech', including legal

Singing the Law: The Musicality of Legal Performance

speech (Mirsajadi 2015: 196). Resisting the temptation to draw trite analogies between the composition of music and law well trodden elsewhere, I instead suggest that composers are more attuned to the musicality of speech than legal practitioners and scholars and thus it is productive to turn our ears to their work when thinking about law and its relation to sound. Their work helpfully illuminates the musical dimensions of legal speech and enables us, as listeners, to better attune to the musicality of legal prose and its effect on us.

Musicalisation as method

What I am suggesting is that it is productive to turn to the work of artists and music-makers to understand the musicality of speech. David Roesner and Bella Martin's recent work exploring the musicality of verbatim lyrics, which was informed by 'a series of explorative workshops on the relationship between documentary material and its music-theatrical treatment', underpins many of my reflections on the phenomenon of verbatim musilegal theatre (Roesner and Martin 2015). Like Roesner and Martin, I am interested in 'the human voice and the musicality of daily speech' and the notion of the 'human voice as instrument' (ibid). In particular, I share their interest in 'the relationship between the *content* of human expression (what we say and how eloquently or otherwise we say it) and the naturally musical *form* of that expression (tempo, rhythm, melody, repetition, etc.)' and, in considering speakers, 'not so much *what* they said as *how* they said it sonically and rhythmically' (ibid). Their performance-based research explores the sonic forms of everyday speech, which is of relevance to this analysis of the musicality of legal speech.

In writing of the musicality of legal speech, I adopt Roesner and Martin's definition of musicality. As they write, 'musicality can be a *quality of creating* with which one might approach any material. However, it may also be a *quality of perception* to be discovered or unearthed in phenomena, like John Cage hearing the New York traffic as music' (ibid). The works of the composers that I consider in this piece are works of musicalisation, which Roesner and Martin describe as 'a

Sean Mulcahy

conscious and intentional process of bringing forth or superimposing musical qualities – such as recognisable rhythmic or melodic qualities or distinct formal structures – in material which is not conventionally seen as music per se: spoken text, gesture, movement’ (ibid). Building on Roesner and Martin, I argue that musicalisation can be used as a method to unearth the musical qualities of legal speech and explore how these musical qualities affect legal audiences.

Verbatim musilegal theatre

I explore musicalisation of legal speech through two case studies of verbatim musilegal theatre where the musical is based entirely or especially on legal transcripts: *Lindy*, based on the 1982 Northern Territory Supreme Court case of *R v Chamberlain*, and *Committee*, based on the 2015 inquiry by the United Kingdom House of Commons Public Administration and Constitutional Affairs Committee into the financial collapse of children’s charity Kids Company. Like the legal remixes discussed above, these productions also raise questions of whether the composer is exposing or superimposing musicality in speech. In what follows, I consider *how* these composers use musicalisation to reveal or amplify aspects of legal speech. I explore this through the motifs of colouring and authenticity. I then go on to consider the musical language within these works, focussing on rhythm, repetition and tone.

Lindy

The first case study is Opera Australia’s 2002 production of *Lindy*, which was drawn, in part, from the Northern Territory Supreme Court trial of *R v Chamberlain*. One of Australia’s most famous legal cases, the 1982 trial concerns the charge brought against Lindy Chamberlain (herein referred to as Lindy) for the alleged murder of her baby daughter Azaria whilst the family was camping at Uluru in the Northern Territory. Lindy claimed that a dingo took her daughter. She was initially found guilty (*R v Chamberlain* 1982). However, the conviction was later quashed following the discovery of new evidence

Singing the Law: The Musicality of Legal Performance

(*Re Chamberlain* 1988).

The trial scene of the opera ‘is very much determined by transcripts of actual events’, in particular the defendant’s cross-examination, as the composer, Moya Henderson, was working off a trial transcript that was gifted to her by a friend (Power 1999: 88). From the composer’s first encounter with the trial, it was ‘blindingly obvious’ to her that the story should be turned into an opera (Ford 2015): ‘I was watching it, experiencing that whole saga as it happened and I knew from very early on that it was an opera’ (Baillie 2002).⁵ Henderson says ‘some of my favourite text is taken from the transcript of the trial’ (cited in Kouvaras 2011: 126 n 60). She regards the trial as ‘the exhilarating part of the opera’ (Ford 2002). In an otherwise critical review of the opera, Chris Boyd writes that it ‘comes alive in the courtroom scenes’ where actual transcripts are used: it is ‘here – when Henderson is most bound – that she shows her greatest creativity and ease’ (Boyd 2002). Unlike author John Bryson, whose book *Evil Angels* was adapted into the film starring Meryl Streep, Henderson did not attend the trial, and instead relied entirely upon the transcript gifted to her. The trial was not broadcast on public television, though two closed-circuit television cameras were set up in the court to beam the proceedings to the pressroom in the building next-door to the courthouse (Bryson 1985: 341). On working with words, Henderson goes on to say that ‘so much is given from the text. The mood, the structure is given to you by the actual text’ (Ford 2015). However, she says that the ‘music dictates... [and] has to have the final say’ (cited in Sitsky 1997: 17). What the music offers, in Henderson’s words, is ‘an intensity and a prolongation of emotional feeling’ and ‘a way of saying through art’ (Ford 2002). On listening to a recording of a work-in-progress, Lindy herself said it ‘reminded me of a cat with its tail on fire being pulled out through a sieve backwards’, but later came to appreciate it (Chamberlain 2004: 769). Though Henderson says she had ‘no problem’ in finding a singing voice for Lindy, she was working from a written transcript and thus had to impute vocal qualities to the testimony that were not evident from the written words alone (Ford 2015).

Sean Mulcahy

Henderson's strict adherence to the text of the trial earned the ire of some critics; however, it serves as a useful tool to explore the musicality of courtroom testimony. Matthew Westwood, in his review of the opera, writes that 'the closer a dramatic work comes to documentary realism, the more limited its potential for theatre' (Westwood 2006). Westwood misses the fact, however, that what is most interesting about this opera *is* the fact that it is both real and utterly legal. Without Lindy's encounters with the law, there is little of dramatic interest to the story – no (soap) opera. The fact that it is so contemporary and that so much of the case played out in the public eye and ear lends the opera a 'disturbingly still warm immediacy' (Smith 2012).⁶ Contrary to Westwood's assessment, Linda Kouvaras argues that 'by sticking to a realist portrayal of events through the use of transcripts from the court... the opera allows the story... to be set in sonic stone', giving it its own particular sonic rendering (Kouvaras 2018: 138-9). The adaption of the trial transcript into a musical score is a departure from the realist approach of some verbatim legal theatre-makers (see O'Connor 2013). In *Lindy*, the music imposes sonic dimensions on – or exposes the sonic dimensions of – legal speech. John Slavin argues that the score is 'fatally forced to follow the characters' speech rhythms, rather than cut across them with its own expressive colouring' (Slavin 2002). Indeed, this is one of the real challenges of verbatim musilegal theatre: how it adheres to the rhythms of speech. The question of imposing or exposing musicality, including rhythms, of speech is discussed further later. What I suggest here is that the process of musicalisation can expose the rhythms inherent in speech and, further, the effects that the musicality of speech can have on the listening audience. The sonic quality of Lindy's speech – her rhythm as well as her pitch and distinctive twang – affected the audience's assessment of her truthfulness and was critical to adjudicating her guilt.

Committee

The second case study is Donmar Warehouse's *Committee*, composed by Tom Deering from a transcript of the 2015 hearing by the

Singing the Law: The Musicality of Legal Performance

United Kingdom House of Commons Public Administration and Constitutional Affairs Committee into the financial collapse of children's charity Kids Company.

Being a parliamentary committee meeting, the play includes a cast of characters spanning parliamentarians, parliamentary staff and members of the public giving evidence to the hearing. How these different characters speak is infused into the music itself. Deering describes the process from text to melody as 'trying to imagine a "sound world" for these people' (Slater 2017). Each of the characters has a leitmotif 'informed by how they speak; when Camilla [Batmanghelidjh, the chief executive of Kids Company] says "actually", she says that the same every time, so in the music it has the same phrasing... [Committee Chair] Bernard Jenkin has a very crisp way of speaking and that is infused in the music itself' (cited in Watkiss 2017: 9). The music also picks up changes in character.

In discussing his work, Deering speaks of the desire to 'feel like what [the characters] are saying in the words are reflected in an abstract way through the melody and through the music' and how this is thought through in the compositional process (ibid). Unlike *Lindy*, the audiovisual recordings of the proceeding are freely available and widely broadcast and would have been accessed by the composer. In fitting with the trend of British verbatim theatre, the scenography of *Committee* is a faithful recreation of the committee room. This is reflected, for the most part, in the vocalisation. Deering offers insight into how a composer identifies the music in legalistic dialogue: 'I imagined what it would be like to be Bernard Jenkin, and not to judge him, or Camilla Batmanghelidjh.' On reflecting on the transcript, he says that music 'is the most direct way in', but does not specify into what (ibid). Drawing from the discussion of *Lindy*, it could be said that music is the most direct way into the emotional subtext of language. The compositional process is a new way of listening to law, listening with a composer's ear, and thinking through how law sounds musically. As Deering concludes, 'the music is already inside there, and it's about discovering the music, rather than sticking some music on top of it' (ibid).

Colouring

The compositional process that those working in this field undertake is often one of discovery.⁷ As Deering says, when dealing with a legal performance ‘there’s so much happening under the surface... Music allows you to access all that. You gain a visceral connection to it all’ (cited in Trueman 2017). Deering’s comment highlights how music is a tool to interrogate what lies beneath legal speech. Theatre critic Matt Trueman, writing on Deering’s composition, says that beneath the veneer of ‘a standard meeting room, he sees a room full of powerful people, each with their own personal history and public image, and full of symbols – the state, the liberal elite, charity and poverty’ and that his music explores what is happening under the surface like ‘colouring in a picture or turning up the contrast on an old television screen’ (ibid). As Roesner and Merlin describe in relation to their practice-led research:

Music and sound could be used to *colour* the documentary material through its power to foster conscious or subconscious intertextual connections... In general, these colours lifted the direct resonances of the subjects’ words away from their contextual specificity towards a broader affectiveness. Colouring through the use of music seemed, at times, to be more pertinent to an emotional or atmospheric aspect of how we relate to the documentary material (Roesner and Martin 2018).

Drawing from a long line of theorising in which music *vis-à-vis* speech is linked to emotion, Belinda Middleweek writes that ‘the addition of music in a simulated courtroom *heightens* the portrayal of emotion on stage’ (Middleweek 2007: 215). This is not to say that there is a lack of emotion in the original trial, but rather that the music works to heighten, increase or even exaggerate the emotion in the original. So, though it might be said that the composer is discovering the music within the source material, the composer is also using music to colour and create different effects in relation to the verbatim words.

Victor Shklovsky’s work on the idea of art as a device for estrangement is particularly relevant here. Shklovsky argues that the goal of representation is to bring the meaning of the image nearest to our understanding or perception, whereas the goal of art, including

Singing the Law: The Musicality of Legal Performance

poetry, is to intensify the experience of the image: 'art exists to restore the *sensation* of life, in order to make us feel things' or see things in a new way (Shklovsky 2015: 162). Shklovsky further contends that prose or written language is never fully heard or spoken in part because the translation to spoken words causes inevitable slips of the tongue and, I might add, acoustic qualities that do not exist in the words on a page (ibid: 161-2). In all these examples, the composers are translating words into music. Shklovsky suggests that this artistic process is a process of estrangement (ibid: 162-7). The eye of the artist and the ear of the composer are able to pick up different qualities and see or hear things from a different perspective. The work they create necessarily distorts and is estranged from the original and therefore causes the listener to look at or listen to it in a different way (ibid: 171-2). The works in question represent what was said verbatim, but the musical-artistic dimension compels the audience to listen to these words in a new, different and even strange way and, through this mode of estranged listening, hear different qualities, including the emotional undercurrent of legal speech.

It is revealing that the compositional process does not, according to the composers, disrupt *what* is being said but rather colours *how* it is being said. The compositional process also utilises music as a way of getting to the emotional underworld of speech, and contextualising 'the verbatim material, making the real words clearer and more profoundly felt' (Mirsajadi 2015: 205). However, Deering's opening comment again points to one of the challenges in this field: namely, whether the composer is superimposing music onto the words or allowing the words to dictate their own musicality that is subsequently expressed in song. This is especially troubling for verbatim musilegal theatre, as it can change the reception of the legal transcript. Theatre critic Michael Billington says 'music is never neutral. By shaping our response to the material, it overlays it with editorial content' (Billington 2017). In the next section, I consider how composers deal with questions of truth and authenticity within their work and source material.

Authenticity

In reflecting on his compositional process in *Committee*, Deering also talks of 'trying to set the truth of it' in composing (Slater 2017). However, given that legal performance so often challenges the idea of a unitary truth, this process of composing as getting to *the* truth may not be achievable and instead might reveal that there are multiple truths underlying legal dialogue (Mulcahy 2018). In this section, I consider how composers deal with the issues of truth and authenticity in their work in light of the question of whether the composer is bringing forth or superimposing musical qualities of legal speech.

The National Theatre's *London Road*, with text by Alecky Blythe and music by Adam Cork, is a particularly relevant example to this discussion of truth and authenticity in verbatim musilegal theatre. Blythe is unique in her verbatim playwriting as she often develops a 'sound text' rather than a script, 'a kind of score' that attends to the sonic qualities of the spoken word (Taylor 2013: 370 and 373). In *London Road*, Cork was involved early on in the process through a collaborative theatre workshop at the National Theatre (ibid: 373). In their collaborative work, which concerns a local community's reaction to the search for and subsequent trial of a serial killer that turns out to be their neighbour, voice is reconfigured 'as sound pattern' (ibid: 375). In her analysis of *London Road*, Lib Taylor suggests that music adds inauthenticity and that 'the reworking of speech into song signals the absence of the real' (ibid: 379).⁸ However, reflection on Cork's compositional process instead reveals a search *for* the real and the expression of that in a musical form. In his analysis of the work, Demetris Zavros argues that the music in *London Road* 'is a poetic accentuation of the musical attributes that *already exist* in the language' (Zavros 2017: 215). Cork himself says that his compositional process involved him listening to audio recordings of Blythe's interviews and, in particular, 'listening very carefully to the way people said things and finding the music in that' (National Theatre 2012). In this way, 'the music... had to live truly in the language' (Mirsajadi 2015: 195). Cork invites others to 'listen to spontaneous speech, just how musical it is,

Singing the Law: The Musicality of Legal Performance

how much a tune is being sung as we speak and how much truth you can sort of divine from it' (Lawson 2011). Here, Cork reveals that his compositional process is a search for the melody in speech and the truth it is capable of revealing. In *London Road*, at least, truth is important to the verbatim musilegal composer.

Musicalisation can get to a deeper truth of what is being said in legal speech, is my suggestion here. As Cork remarks, 'musical accompaniment and repetition has the potential to explode the thought of a moment into slow motion, and can allow us to more deeply contemplate what's being expressed' (Blyth and Cork 2011: x). What Cork seems to be suggesting is that musicalisation can force listeners to concentrate the words themselves rather than the character delivering them or the story they are a part of. This concentration on the words themselves can allow deeper contemplation of what is being said and, I argue, *how* it is being said. It can attune the listener to the manipulative dimensions of spoken words; that is, how they are crafted to have a particular effect on the listening audience. The process of musicalisation provides the listener with a deeper understanding of the affective qualities of legal speech.

Musicalisation has to understand the words in order to be effective. As Roesner and Martin describe, 'musicalisation (in the form of rhythmic montage, composition, or musical commentary) could be used to interfere with meaning and the intention of what was said... [or] as a codebook with which to arrive at some more latent meanings... [that] lie not solely in what people said... but how they said it' (Roesner and Martin 2018). The process of putting something to music may be a way of uncovering deeper understanding of it. However, Roesner and Martin's work demonstrates one of the challenges of verbatim musilegal theatre: is the composer discovering and bringing forth the musicality latent within legal speech or superimposing a musicality on legal speech? As Roesner and Merlin conclude, musicalisation 'deliberately undermines or complicates a more straightforward (and probably naïve) sense of authenticity' (ibid). So, whilst musicalisation might be a process for providing a greater understanding of what is

saying, it can also complicate that understanding by creating new perspectives on the verbatim speech.

The technique of musicalisation utilised by the composers included here can assist in discovering the more latent meanings of legal speech, but it can also be a method to explore the ‘fantastically rich and multi-layered messiness of real speech’ (Hammond and Stewart 2008: 102). Additionally, musicalisation might also ‘avoid giving the impression that there is one accurate account... instead presenting the audience with an interpretation that is multilayered and multi-vocal’ (Roesner and Martin 2018). Musicalisation can thus be conceived of as a methodology that, through compelling a different form of listening, helps the listener to uncover some of the nuance in legal speech. The quality of the musicalisation, however, depends on the source material that the composer is working with. In *Lindy*, the composer was reliant upon a written transcript and so had to invent a voice for the characters from the written word alone. In *Committee*, the composer had access to audiovisual recordings of the legal proceeding and thus had a vocal basis from which to musicalise. In what follows, I consider specific dimensions of legal speech that musicalisation can uncover.

Legal musilanguage

In her analysis of the cross-examination scene in *Lindy*, Anne Power uses the term ‘musical language’ throughout, but does not define it. It is this term, however, that excites my imagination. Composer Brian Elias describes musical language as the symbiotic relationship between music and language (Elias 1989: 228). Like Elias, I am not so interested in ‘the mere putting of words to music or vice versa’, but rather the idea that music comes from the voice (ibid: 225). As Elias goes on to describe, the rhythms, meter and tempo that mark music are already inherent in prose itself (ibid: 225-7). In an article on verbatim theatre, Derek Paget suggests that ‘there is something almost musical in these idiosyncratic rhythms [of everyday speech]. Whereas “ordinary” speech requires the actor to learn, interpret and “play” them through his/her vocal skills, here it is a case, indeed, of “the

Singing the Law: The Musicality of Legal Performance

actor as instrument” (Paget 1987: 331). Rhetorician Bret Rappaport argues that there is ‘a complete acoustic experience to legal writing’ (Rappaport 2010: 91). Though acknowledging the difference between speech and music, he suggests that the two overlap and uses the term ‘musilanguage’ to describe this overlap (ibid: 68-76). Borrowing from Rappaport’s conception of musilanguage and applying it to legal speech, in what follows, I consider the particular elements of rhythm, repetition and what I loosely term ‘tone’ in verbatim musilegal theatre.

Rhythm

As Rappaport observes, there is often a staccato marching rhythm to legal musilanguage, a flow leading to a conclusion, emulating the forward motion of the law (ibid: 96-99). For writing professor Peter Elbow, rhythm is ‘a source of energy that binds time and pulls us forward’ at the same time that ‘rhythm and movement reach inside us’ (Elbow 2006: 624 and 652). Though it can be said that legal musilanguage has a slow tempo, particularly where translation is required, sentence length generally oscillates between short and long, creating a kind of balance (Rappaport 2010: 86).⁹ However, there is still this forward momentum to legal musilanguage. It is so in *Committee*, where the regular beat and the lack of vibrato in the Committee’s unison numbers create a brutal accusatory edge, which emulates the authority and rigidity of the State (Watkiss 2017: 9). By contrast, in *Lindy*, the musical language of the eponymous character, a legal outsider, is much more unorthodox. Lindy is at times melismatic and lyrical and then snaps into regular rhythm and accentuated articulation at moments of exasperation. There is thus a contrast in the musilanguage of those characters that wield the authority of the law (legal insiders) versus those characters that are subjected to the law (legal outsiders).

Verbatim musilegal composers are particularly attentive to these different rhythms of speech. In analysing *London Road*, Ali-Reza Mirsajadi notes that ‘Cork decided that the most distinctive quality of the speech in the audio recordings was its rhythm [including] these pauses and gaps, the stumbling over words and ideas, the variation of

slow, decisive speaking and excited, rapid fire gabbing' and 'he found that replicating the rhythm of the recordings would also capture the people's moods and attitudes about what they were saying... Cork wanted to cement the rhythm and texture of the interview speech within the music, itself' (Mirsajadi 2015: 197). Cork himself says that, as part of his compositional process in the past, he spoke 'the words to myself, and transcribed the rhythms and melodic rise and fall of my own voice' (Blythe and Cork 2011: viii). In doing so, the music retains 'a connection to the rhythms, tone and musicality of the original speech' (Taylor 2013: 374) and is '*representing* the music of the speech' (Blythe and Cork 2011: ix). It was Cork's hope that the 'score would be like a time capsule inside which the speech rhythms would be captured and contained, frozen and fossilised in music' (ibid). His musical director, David Shrubsole, concurs that the music 'was completely accurate rhythmically and harmonically' (cited in Rodosthenous 2018: 395). In this sense, the compositional response derives from listening or attuning to the words and then emulating the speech rhythms of the original in the music (Blythe and Cork 2011: viii-ix).

Unlike the regular flow of legal musilanguage, everyday speech tends to have a more irregular rhythm. Cork observes that there is a 'lack of rhyme or consistent meter or line length in spontaneous speech'; spontaneous speech has a 'labyrinthine' or 'anarchic' quality to it (ibid: ix). This plays itself out in his musical composition for *London Road*, which picks up on the paralinguistic dimensions of spoken word. Indeed, Blythe revels in what she terms 'the gorgeously unwieldy nature of real speech' (cited in Hammond and Stewart 2008: 102). Her scripts combine 'not only the spoken words, but also the vocal utterances (stumbles, repetitions and hesitations), and the accents, emphasis, colour, pitch, pace, intonation and inflexions of the original speakers' such that the performers repeat the sounds not just the words (Taylor 2013: 370).¹⁰ These paralinguistic markers are 'a strongly rhythmic element of everyday spoken language and constitute the individual or collective musicality of a speaker or community' (Roesner and Martin 2018). Blythe contends that 'it is these [paralinguistic markers] that reveal the person's thought-processes: there is always a specific reason

Singing the Law: The Musicality of Legal Performance

why a person stutters on a certain word' (cited in Hammond and Stewart 2008: 97). The music captures the unwieldy dimensions of the speech and highlights the idiosyncrasies of the ways that people communicate orally. Cork sought through his compositional process to 'expose the guttural rhythms and the emotions that were contained within what was being expressed' (cited in Mirsajadi 2015: 221). There is a sense that rhythm registers deep inside our gut and drives the movement of language and the forward propulsion of legal musilanguage.

Interestingly, Atkinson and Drew suggest that court talk has a similar rhythm to baby talk (Atkinson and Drew 1979: 199). Through the art of questioning, the lawyer lulls the testifier into a response. Perhaps because of the turn-taking pattern of court talk, counterpoint is rare.¹¹ Court talk tends towards a distinct call and response. However, adherence on the part of the testifier to the lawyer's tempo and rhythm can suggest that the testimony is 'rehearsed' (Lockitt 2014: 189-90). A clash and contrast in rhythm can have different resonances.

Whilst we tend to think of legal speech as not spontaneous but considered, there is an oscillation in legal language between linearity that might be found in pre-written judgments delivered orally and free flow that might be found in testimony or argument (Rappaport 2010: 111). Thinking through legal musilanguage as non-linear challenges us to find new forms and rhythms to capture legal expression outside of the formalised rules of evidence giving, argumentation and legal writing. One such way may be through music or, at the very least, allowing different expressive modes than the regimented question and answer format of testimony. The differing rhythmic styles in legal performance between testifiers and legal actors also invites us to think about what happens when the (musical) rhythm of testifiers clashes with the succinct marching rhythm that Rappaport suggests is demanded by the law.

If a testifier is unable to play within the rhythms demanded of law, they may face discomfort or disbelief. For Lindy, the constant pounding rhythm of the questioning causes distress. In *Committee*, the constant beat of the questioning from the committee members

is contrasted to the more labyrinthine and emotive quality of speech from the testifier, Camila. At one stage, a committee member accuses Camila of engaging in ‘a torrent of verbal ectoplasm’, suggesting that she is not being succinct in her responses or, in other words, is failing to accede to the rhythm of speech that the committee demands of her. Rhythm is strictly controlled within legal performance and outsiders are enjoined to obey the rhythms of law.

Repetition

Repetition is crucial to the rhythm of legal musilanguage. Though it is often added for emphasis, as in the case of *London Road*, repetition is often already present within the original transcript, whether in the repetition of words or phrases or the repetition of ideas (ibid: 86-90). A popular guide to trial practice prevails upon trial lawyers to ‘drive your important points home by repetition. The more vital the thought, the more often you should repeat it’ (Rothblatt 1961: 163). Repetition can be used as a device to convince the speaker or the listening audience of the fact of what is being said (Lockitt 2014: 193). The repetition of words or phrases may cause the listener to hear melody and rhythm, and therefore the words may stick in their mind more easily. In *Committee*, Deering noticed that Camilla repeats the word ‘actually’ throughout the transcript, so gave it the same musical phrasing in the score to emphasise the repetition already there (Watkiss 2017: 9). In *Lindy*, as in *London Road*, repetition is used to underscore certain points. Repetition, whether it is present in the original or imposed by the composer, is used to great effect.

A particularly salient example of repetition occurs during the trial scene in *Lindy*. In this scene, the prosecution counsel poses the question: ‘Mrs. Chamberlain, / you say that the child was in the / mouth of a dingo, which was / vigorously shaking its head at the / entrance to the tent. / The dog having taken / Azaria from the bassinet, the bassinet / Mrs. Chamberlain, is this correct? / Is this correct? Is this correct?’ This final repetition is not in the transcript of the trial, but perhaps inserted to emphasise the menace of the prosecution counsel. The judge

Singing the Law: The Musicality of Legal Performance

sympathetically interjects, and the accompaniment is ‘considerably slower’ as he sings: ‘Take it steady, Mrs. Chamberlain’ (Henderson 1997: 224). However, the repetition, which is not in the transcript, continues: ‘Is this correct? Is this correct? Is this correct?’ The score indicates that this is sung ‘impatiently’ (ibid: 225). Lindy replies in a manner described in the libretto as ‘distraught’, by herself as clear but distressed (Chamberlain-Creighton 2015: 225), and by academic commentators as overwrought (Power 1999: 100) or at a high pitch, like a yapping dog (Kouvaras 2011: 121): ‘Yes, yes, yes, yes, yes, yes, yes, YES!’ This motif, which repeats later in the libretto, uses repetition for emphasis. In legal speech, answers are ‘shorter in length (and frequently only one word)’ compared to questions (Atkinson and Drew 1979: 196). Here, the monosyllabic answer is repeated over and over perhaps to emphasise her distress and, in its pitch, the dingo instinct that Henderson believes is ‘in all of us’ (cited in Kouvaras 2011: 138).¹² The high pitch also has a particularly gendered dimension, especially when contrasted with the lower pitch of the legal actors, the prosecution counsel and judge. Notably, research has suggested that speakers with high-pitched voices are often judged as less truthful and empathetic, which has particular implications for female testifiers like Lindy (Appleby et al 1979). The repetition of the monosyllabic word on each beat causes rapid inhalation of breath that creates more anxiety and distress in the speaker. The repetition and pitch of speech is likened to a dog, as if to further dehumanise the distressed Lindy.

Following this exchange, with a ‘much more measured’ accompaniment, the judge sings, ‘Would you like a spell, Mrs. Chamberlain?’ (Henderson 1997: 225). We hear another example of Lindy’s melodic expression, but the weariness and effort of giving evidence is musically expressed by the fragmentation of the melody and jagged expression, as she sings: ‘This has been going on and on for over two years’ (Power 1999: 87-9). Yet again, there is a repetition not in the transcript, inserted perhaps to suggest her weariness (ibid), or that, in her own words, she ‘was definite about that’ (Chamberlain-Creighton 2015: 225). Then the meter breaks back, an example of the rapid movement backwards and forwards in meter, as she continues:

Sean Mulcahy

'I'd like to get it over and done with, Your Honour. / I'd like to get it over and done with' (Power 1999: 100). Repetition is inserted here and throughout the score to emphasise the emotional state of the speaker: for Lindy repetition signals distress or exhaustion, for the prosecution counsel it signals menace.

As musical theatre scholar Scott McMillan writes, 'we do not often think about repetition, although it is going on all around us, or in us' (McMillan 2006: 36). What musical composition does is pick up on repetition and use it to give pulse to the score (ibid: 45). As he continues, 'music gains meaning through the accretion of repeated combinations of phrases and rhythms, and... song brings words into contact with these pulsations by adding its own possibilities of repetition' (ibid: 36).¹³ McMillan concludes that 'spoken dialogue is not without rhythm, pace, a beat, tone – all the terms one uses of music – but music puts the terms into patterns of repetition that prose has to do without' and thus makes speech unreal (ibid: 39). Whilst McMillan argues that music inserts repetition that speech otherwise lacks, Zavros instead suggests that repetition is 'inextricably part of the nature of "real talk"', which is thematised by composers to invite 'a different reflection on every utterance; a different kind of listening perception... The musical treatment of the utterance exposes the culturally performative nature of repetition qua (musical) repetition' (Zavros 2017: 215–6). Repetition is both present in legal speech and frequently added by composers and librettists. As a formal device, repetition emphasises the emotions of the speaker and invites a different perception of what is being said or an alternative way of listening.

Tone

In this final section, I consider 'tone', under which I group musical elements such as pitch, melody, cadence and contrast. Here I draw from Rappaport's conception of tone as suggesting 'the author's attitude' but also the mood and effect of the work and the 'quality of musical sounds' therein (Rappaport 2010: 99).

Legal language tends to have a tone of 'measured rationality'

Singing the Law: The Musicality of Legal Performance

(Samuelson 1984: 156). Against the instructions of her lawyers to maintain a neutral tone, Lindy's pitch is at times very high. In her analysis of the opera, Power argues that 'the music, as demonstrated in the trial scene, is designed to maintain a separateness for the central character', Lindy, particularly through her 'melodic expression' (Power 1999: 76 and 85).¹⁴ As Power continues: 'Lindy's replies are melismatic. Despite unorthodox rhythm shapes produced by the 5/16 meter, the long phrasing suggests calm. Its tensions are a product of the contour and high tessitura for the soprano. However, it has a floating quality' (ibid: 85). The melody 'occurs when she recalls events from the past' and also 'indicates the moments when Lindy moves outside the time of the courtroom to the time of being at Uluru with her baby Azaria' (ibid: 89 and 99). Power concludes that 'the melodic motif, which has been previously found to create her separate identity in the courtroom... is also a separateness, which Lindy transforms into a source of her strength', for 'when she revises the past in her mind, she renews her memories' (ibid: 91). For Lindy, justice is inextricably connected to the life-changing moment at Uluru and her memories of that moment. Lindy's testimony extends beyond the immediate courtroom setting built, as it is, on confrontation in the present. It causes her to reflect on events and places outside the courtroom and to express herself in different ways. Her approach to testimony and, in particular, the different tone that she adopts is a challenge to the measured rationality of the law.

In *Lindy*, the musical composition of the cross-examination is built on contrast: 'All through the scene, the accompaniment hurries along in agitated semiquavers. The melody, however, moves calmly' (ibid: 86). The scene itself is 'characterised by swift shifts of mood, menace and pace' and a tension or clash between musical genres (Carmody 2002: 298). The musilanguage of the two characters is also in sharp contrast: on one hand, the 'urbane, erudite, skilful', 'wily, canny, beautifully trained' prosecution counsel and, on the other hand, the 'feisty' and 'lippy' defendant, Lindy (Ford 2002 and Ford 2015). O'Barr notes that 'social status is reflected in speech behaviour' (O'Barr 1982: 71). Class and gender may well factor into contrasting vocalisations. Whereas

the prosecution counsel speaks in an erudite manner suggesting a sophisticated understanding of the legal process, the pitch and the particular twang of Lindy's voice that reflect her gender and class background diminish the degree to which she is understood as reliable or truthful.

Earlier, there was discussion of the middle part of the trial scene in *Lindy*, and here it is time to turn to the end, now with particular attention to the tone. The end of the cross-examination scene reaches an unsettling pace (Power 1999: 87). It begins in with a 'more measured' accompaniment, as the prosecution counsel sings of the dingo, in an 'ironically suave' manner: 'Your evidence is that you saw it / shaking its head vigorously, / and it was moving the flyscreen of the / tent in the process' (Henderson 1997: 220). Lindy replies, 'I don't know whether its head was shaking the flyscreen, or whether what it had in its mouth was hitting against it.' The accompaniment – flute and strings – plays 'with pathos' (ibid: 221). The prosecution counsel then increases volume – the libretto indicates 'more aggressively' with the introduction of two violins playing in a 'vigorous' manner – as he sings: 'And what it had in its mouth, we know now, / according to you, was a bleeding baby' (Bryson 1985: 469). Lindy, 'showing irritation' and disgust (Chamberlain-Creighton 2015: 225), 'seething' (Henderson 1997: 222) and with her voice breaking, replies: 'That's my opinion' (Bryson 1985: 479). The prosecution counsel says 'Pardon?' and she repeats again, 'That is my opinion!' In his observation of the trial, John Bryson notes that this line was said with care (ibid), but the score indicates that Lindy 'snapped' (Henderson 1997: 223). The prosecution counsel asks: 'Is there any doubt about it?', with a dramatic accompaniment by the cello. Lindy's reply is an example of her melodic expression and retreat into memory (Power 1999: 87), as she sings in a 'defiant' manner: 'Not in my mind' (Henderson 2002: 223). There is, in this heightened moment towards the end of the cross-examination, a stark contrast in the tone of Lindy and the prosecution counsel.

Lindy's musilanguage frequently clashes with the prosecution counsel's musical expression: 'The music varies from his angular vocal

Singing the Law: The Musicality of Legal Performance

line and highly coloured orchestration, to her much calmer and more lyrical, frequently melismatic, replies, which often repeat phrases very precisely but in a different tempo' (Halliwell 2018: 147). The contrast is exaggerated by the choice of musical accompaniment: as the prosecution counsel sings, percussion and woodwinds usually accompany him; and as Lindy sings, flute and strings usually accompany her. These instruments have gendered associations, and it is perhaps no surprise that the instruments are used to emphasise the gendered dimensions of the courtroom dialogue (Stronsick et al 2018). Volume is also used to assert dominance and, at times, the prosecution counsel increases volume to increase pressure on Lindy, with her voice only rising at moments of distress. At times, 'his music "infiltrates" hers, suggesting that he is getting the upper hand' (Halliwell 2018: 147). At other times, her music dominates. The contrast in tone between the lawyer and testifier attests to the battle between the two during the testimony.

The contrasting tone is also evident in *Committee*. The unison signing of the Committee, the recitative beat and the lack of vibrato create an accusatory, even brutal, edge, which Deering says 'sounds like the "State"' (cited in Watkiss 2017: 9). The use of rounds and layering creates the impression of a braying mob and impresses upon the listening audience how it feels to be on the other side of a line of questioning. It also suggests 'the complexity of the matter and that there is no one right voice' (Mulcahy 2018: 66). Throughout *Committee*, the music changes to show who is in control and to reflect shifts in momentum. In one number, Camila spins the committee staff around as if to infect and command them but also to 'symbolise the way in which she twists the questions put to her' (ibid). In another, according to the first draft of the script, 'Camila summons the music. Somehow. Maybe the nearest [*sic*] nod of the head. Regardless, the musicians are her familiars', but when it comes to listing her qualifications, her 'musical fluency [begins] faltering' (Fraser and Rourke 2017: 2-4).¹⁵ Camila's tone, accompanied by her movement has an almost ethereal quality to it that is disrupted when she faces questioning and interjections from the committee members, whose own manner of speech has a more brutal edge.

In both works, the composer is interested in creating a very particular soundscape for the female testifier. Through her composition, Henderson tried ‘to make Lindy’s music “fly”’ (Kouvaras: 2018: 126 n 60): ‘I keep using these groups of five bars, a very rippling pattern in the bass all the time, which gives huge energy I think to anything that she sings, but it’s a very soft, lyrical energy, and then every now and then, vroom, it gets powerful and angry’ (Ford 2002). Henderson tends to elongate Lindy’s words during the cross-examination through melisma and contrasts this with the questions that are generally set syllabically. The notion of music as a device to make words fly is also picked up by Shrubsole in relation to *London Road*: ‘the music... had to be what we could fly with’ (cited in Rodosthenous 2018: 394). In this sense, music takes the listener to another place. This particular tone of musical expression as soft, lyrical and floating places the female testifier outside the usual ways of speaking in the law.

Part of the reason that both Lindy and Camila’s testimony may not have been accepted – or, at least, treated with incredulity in first instance – could be because neither expressed themselves in the way the law demanded of them. O’Barr argues that ‘lawyers quite literally put a language style into the mouths of their witnesses’ through ‘linguistic leading’ (O’Barr 1982: 82-3). As Lindy herself said afterwards, she tried to follow her lawyer’s advice to ‘keep as neutral an expression as I could – and my natural expression comes over, unfortunately, as very hard’ (cited in Munday et al 1986: 8). Her comment and the musical expression in her voice ‘reflects the widely held view that Lindy’s seeming composure during the trial suggested her guilt, and this aroused widespread antipathy towards her in the general public’ (Halliwell 2018: 162 n 24). Indeed, O’Barr’s research on court talk suggests that testifiers who speak politely are seen as powerless (O’Barr 1982: 67 and 72). For Camila, when trying to explain herself using the language of a social worker, she was accused of engaging in ‘verbal ectoplasm’. Sadly perhaps, in order to gain credulity and acceptance, testifiers must match the tone that the law demands.

Conclusions

This piece has pointed to musicalisation as a method of exploring the musicality of legal speech. Focussing in on two case studies and drawing in other examples from popular music, this article suggests that elements of legal musilanguage such as rhythm, repetition and tone can be explored through the method of musicalisation and, by extension, that the practice of verbatim musilegal theatre – and performance practice generally – can enrich our understanding of legal speech. What this demands is a more careful listening – an attunement – to the music of law (Mulcahy 2019). Further, it invites a reconceptualisation of law *as* music.

Manderson describes law and music scholars as ‘new wave’, perhaps invoking the popular eighties music genre (Manderson 2014: 314). New Wave was a complex and diverse music genre with upbeat tempos and an exciting energy to it. Much the same can be said for the scholarship on law and music. However, law and music scholarship has not yet advanced to conceive of law *as* music. Too much of the scholarship rests on an assumption that law *differentiates* itself from music (and other performing arts) and seeks to disavow its own musicality. Looking to the practice of verbatim musilegal theatre can further inform scholarship on law and music.

The emerging scholarship on law and music should attend to law as music and, in particular, how audiences of legal performances hear it. One of my concerns is that in the transcription of legal texts, the sounds of the legal speech and space are often lost. The increasing intrusion of cameras and other recording devices into the spaces of law creates new listening environments where we can tune in though earphones or speakers from spaces with their own acoustic dimensions. The implications of this demand further study. Being New Wave, like a wave this branch of scholarship may recede. However, like New Wave, it may come back again in diverse forms, just like the renaissance of New Wave through the short-lived micro-genre of Trumpwave (Bullock and Kerry 2017). It is hoped that this contribution, which rides the popular crest of engagement with ideas of law and music, might enliven new

directions within the scholarship that acknowledge music's role in law and legal speech and encourage you as a reader to attune and therefore listen more deeply to the musicality of legal performance.

Endnotes

1. Pauline Pantsdown's *Backdoor Man*, a parody of Australian Senator Pauline Hanson, made it to number 5 in the Hottest 100 of 1997. Hanson successfully obtained an injunction against broadcasting the song, claiming it was defamatory: *Australian Broadcasting Corporation v Hanson* 1998.
2. The song has a rather complex genesis. It is a remix of Odd Mob's *Is It A Banger?* that features Tom Haverford (Aziz Ansari) of American sitcom *Parks and Recreation* (2000-2015). However, the local version replaces the original lyrics with dialogue from a late night Australian Senate debate wherein Labor Senator Stephen Conroy enthusiastically attacked Greens Leader Senator Richard di Natale over a *GQ* magazine photo shoot, mocking his 'fancy pants' (Workman 2016).
3. Bitch house is a style of house music popular in ballroom and club culture in the 1990s that samples vocal phrases. In *Reclaiming My Time*, Joseph spins the bitch track mould by using the transcript of a congressional committee meeting as its lyrics.
4. Peter Goodrich also points to a sense of 'legal deafness' to song (Goodrich 1990: 179-184). Hanne Petersen likewise contends that 'western legal systems and theories... have cut out or ignored the cultural and "musical" components of law' (Peterson 1998: 80). See also Hibbits (1992: 902-3). Moreover, the scholarship bewrays an acknowledged tendency to 'consider the legal system from the viewpoints of lawyers' and their interests, rather than the perspective of the listening audience (O'Barr 1982:119).
- 5 As critic John Rickard writes, 'the unfolding of the Azaria case is exactly the kind of epic story that conjures up the possibility of musical drama, while Lindy Chamberlain herself, enigmatically, even tragically self-possessed, suggests a heroine of operatic proportions' (Rickard 2002: 16). For the history of the opera, see Sitsky (1997) and Cosic (2002).
6. This comment comes from Michael Smith's review of Victoria Opera's *Midnight Son*, based on the murder of Maria Korp (Smith 2012). Similar controversies surrounded the Metropolitan Opera's *The Death of Klinghoffer* based on the murder of Leon Klinghoffer and the English National Opera's

Singing the Law: The Musicality of Legal Performance

Between Worlds based on the September 11 terrorist attacks. For further discussion, see Baum (1992).

7. On the discoverist versus creationist debate in musical aesthetics, see Walhout (1986).
8. Taylor is drawing from the idea of the ‘real’ used by Carol Martin who states that ‘the “real” [is] a category that is both asserted and challenged in relation to claims of verisimilitude and truth’ (Martin 2010: 1).
9. Parker describes the tempo of an international tribunal as slow, but not too slow (Parker 2015:195-8).
10. In part, Blythe is drawing from Anna Devere Smith’s practice (see Hammond and Stewart 2008: 80).
11. In this respect, I dispute Gilbert Leung’s conclusion that ‘law is, metaphorically speaking, a fugue’ (Leung 2018). Whilst I agree that there are different voices in law and recurrence of phrases, the different voices are rarely polyphonous or overlapping and tend to be presented sequentially both in court and in legal argument.
12. A comment also made by novelist Frank Davison (see Zable 1983: 158).
13. Consider the example of Steve Reich’s *It’s Gonna Rain* where the repetition of a phrase draws out the melodic qualities of the original speech and soon enough it becomes impossible not to hear that melodic dimension. Another example is Gavin Bryars’ *Jesus’ Blood Never Failed Me Yet* where the composer looped a section of a rough sleeper’s religious song and then inserted an orchestral accompaniment. In each repetition, in part due to the irregular tempo and in part due to the layered accompaniment, the listener is able to pick up different melodic dimensions (for further discussion, see Simchy-Gross and Margulis 2018).
14. See also Robyn West’s discussion of the legal theory that the framework of law is based on the notion of separation from others (West 1988).
15. I am tremendously grateful to Hadley Fraser for sharing this script.

References

- Appleby W, Streeter L and Kraus R 1979 ‘Effects of Pitch and Speech Rate on Personal Attributions’ *Journal of Personality and Social Psychology* 37/5: 715-27

- Atkinson J and Drew P 1979 *Order in Court: The Organisation of Verbal Interaction in Judicial Settings* Humanities Press New Jersey
- Baj L 2020 'This Perth festival losing their minds over the *Get On the Beers* remix makes me miss Revs' *Pedestrian* 15 October 2020 <<https://www.pedestrian.tv/news/dan-andrews-get-on-the-beers-remix-perth/>>
- Baum C 1992 'Forget fantasy, opera gets real' *Weekend Australian* 23 May 1992
- Billington M 2017 'Batmanghelidjh and Yentob face the music in Kids Company musical *Committee*' *The Guardian* 5 July 2017 <<https://www.theguardian.com/stage/2017/jul/04/committee-a-new-musical-review-kids-company-donmar-warehouse-camila-batmanghelidjh-alan-yentob>>
- Blythe A and Cork A 2011 *London Road* Nick Hern Books London
- Boyd C 2002 'Lindy the opera goes missing' *Australian Financial Review* 2 November 2002 <<https://www.afr.com/politics/lindy-the-opera-goes-missing-20021102-j7djt>>
- Bryson J 1985 *Evil Angels* Viking Ringwood
- Bullock P and Kerry E 2017 'Trumpwave and Fashwave are just the latest disturbing examples of the far-right appropriating electronic music' *Vice* 31 January 2017 <<https://www.vice.com/en/article/mgwk7b/trumpwave-fashwave-far-right-appropriation-vaporwave-synthwave>>
- Carmody J 2002 'Moya Henderson's Passionately Polychrome Take on the Lindy Saga' *Opera-Opera* 298: 12-3
- Chamberlain-Creighton L 2015 *A Dingo's Got My Baby: Words that Divided a Nation* InHouse Publishing Logan City
- Chamberlain L 2004 *Through My Eyes: The Autobiography of Lindy Chamberlain-Creighton* East Street Publications Bowden
- Cosic M 2002 'Dingoes and divas: The making of an opera called *Lindy*' *The Australian Magazine* 19 October 2002
- Elbow P 2006 'The Music of Form' *College Composition and Communication* 57/4: 620-66
- Elias B 1989 'Words and Music' *Contemporary Music Review* 5/1: 225-8
- Fabian D and Napier J eds 2018 *Diversity in Australia's Music: Themes Past, Present and for the Future* Cambridge Scholars Publishing Cambridge
- Frank J 1947 'Words and Music: Some Remarks on Statutory Interpretation' *Columbia Law Review* 47/8: 1259-78

Singing the Law: The Musicality of Legal Performance

- Goodrich P 1990 *Languages of Law: From Logics of Memory to Nomadic Masks* Weidenfeld and Nicholson London
- Gray G 2020 'Good lord, Carole Baskin just told Dan Andrews to get on the beers' *The Brag* 6 November 2020 <<https://thebrag.com/good-lord-carole-baskin-just-told-dan-andrews-to-get-on-the-beers/>>
- Gwee K 2021 'Triple J Hottest 100 of 2020: Dan Andrews *Get On The Beers* remix by Mashd N Kutcher in top 20' *NME* 23 January 2021 <https://www.nme.com/en_au/news/music/triple-j-hottest-100-of-2020-dan-andrews-get-on-the-beers-remix-by-mashd-n-kutcher-in-top-20-2863262>
- Halliwell M 2018 *National Identity in Contemporary Australian Opera: Myths Reconsidered* Routledge Abingdon and New York
- Hammond W and Stewart D eds 2008 *Verbatim Verbatim: Contemporary Documentary Theatre* Oberon Books London
- Harriss L 2020 'Scott Morrison's reaction to *Andrew* viral TikTok trend' *news.com.au* 6 May 2020 <<https://www.news.com.au/technology/online/social/scott-morrison-s-reaction-to-andrew-viral-tiktok-trend/news-story/d0f21e6bb05e3e01fe21f78bc6406c07>>
- Heydon JD 2019 *Cross on Evidence* LexisNexis Butterworths Sydney
- Hibbits B 1992 'Coming to Our Senses: Communication and Legal Expression in Performance Cultures' *Emory Law Journal* 41/4: 873-960
- Judd T 2017 'Interview: Composer Ted Hearne on his newest album, *Sound from the Bench*' *The Listeners Club* 21 June 2017 <<https://thelistenersclub.com/2017/06/21/interview-composer-ted-hearne-on-his-newest-album-sound-from-the-bench/>>
- Karantonis P and Robinson D eds 2011 *Opera Indigene: Re/presenting First Nations and Indigenous Cultures* Routledge Farnham
- Kouvaras L 2018 '(Post?)-Feminism, "New Topicality" and the "New Empathy": Australian Composers Working with the Concrete' in Fabian and Napier 2018: 202-22
- Kouvaras L 2011 'Giving Voice to the Un-voiced "Witch" and the "Heart of Nothingness": Moya Henderson's *Lindy*' in Karantonis and Robinson 2011: 115-40
- Leung G 2018 'Law is a Fugue' *Critical Legal Thinking* 15 March 2018 <<https://criticallegalthinking.com/2018/03/15/law-is-a-fugue/>>

Sean Mulcahy

- Lockitt M 2014 'The Musical is Drama: Apollonian and Dionysian Dynamics and Liminal Ruptures in Contemporary Musical Theatre' PhD thesis Monash University Melbourne
- Manderson D 2014 'Towards Law and Music' *Law and Critique* 25: 311-7
- Manderson D 2000 *Songs Without Music: Aesthetic Dimensions of Law and Justice* University of California Press Berkeley
- Martin C 2010 *Dramaturgy of the Real on the World Stage* Palgrave Macmillan Basingstoke
- McMillan S 2006 *The Musical as Drama: A Study of the Principles and Conventions Behind Musical Shows from Kern to Sondheim* Princeton University Press Princeton
- Middleweek B 2007 'Dingo Media? *R v Chamberlain* as a Model for an Australian Media Event' PhD thesis University of Sydney
- Mirsajadi A-R 2015 'Spectrums of Truth: Transcribing Reality in the Documentary Musical' MA thesis Tufts University Massachusetts
- Mulcahy S 2019 'Silence and Attunement in Legal Performance' *Canadian Journal of Law and Society* 34/2: 191-107
- Mulcahy S 2018 'UK Parliamentary Inquiry Turned Verbatim Musical: A Theatre Review' *Alternative Law Journal* 43/1: 66-7
- Munday R, Duncan S and Goldie J 1986 'The Lindy Chamberlain story' *Australian Women's Weekly* March 1986
- O'Barr W 1982 *Linguistic Evidence: Language, Power and Strategy in the Courtroom* Academic Press New York
- O'Connor J 2013 *Documentary Trial Plays in Contemporary American Theatre* Southern Illinois University Press Carbondale
- Ogbu O 2020 "'She Completely Twisted the Body Language": Pandemic, Parody, Politics, and Comedy in the Era of Coronavirus' *Journal of Community Safety and Wellbeing* 52/2: 82-6
- Osman J 2013 'From *Corporate Relations*: First Amendment Rights' *Chicago Review* 57/3-4: 161-74
- Paget D 1987 "'Verbatim Theatre": Oral History and Documentary Techniques' *Theatre Quarterly* 3/12: 317-36
- Parker J 2015 *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* Oxford University Press Oxford

Singing the Law: The Musicality of Legal Performance

- Petersen H 1998 'On Law and Music: From Song Duels to Rhythmic Legal Orders' *The Journal of Legal Pluralism and Unofficial Law* 30/41: 75-88
- Power A 1999 'Voiced Identity: A Study of Central Characters in Seven Operas from Australia 1988-1998' PhD thesis University of Wollongong
- Prema S 2020 'Get On The Beers: Premier Dan Andrews falls victim to a very naughty editing prank as Victorians endure Australia's strictest lockdown' *Daily Mail* 13 May 2020 <<https://www.dailymail.co.uk/news/article-8313429/Get-beers-Premier-Dan-Andrews-victim-hilarious-editing-prank.html>>
- Ramshaw S 2013 *Justice as Improvisation: The Law of the Extempore* Routledge Abingdon
- Rappaport B 2010 'Using the Elements of Rhythm, Flow and Tone to Create a More Effective and Persuasive Acoustic Experience in Legal Writing' *Legal Writing: Journal of the Legal Writing Institute* 16/1: 65-116
- Rickard J 2002 'Aria for Azaria' *Eureka Street* 12/10: 16-7
- Rodosthenous G 2018 'Musical Direction in Theatre: Interpreting, Composing and Singing the "Real": An Interview with David Shrubsole' *Studies in Musical Theatre* 12/3: 387-396
- Rodosthenous G ed 2017 *Twenty-First Century Musicals: From Stage to Screen* Routledge London
- Roesner D and Martin B 2018 'The Document as Music: Exploring the Musicality of Verbatim Material in Performance' *Journal for Artistic Research* 15
- Rothblatt H 1961 *Successful Techniques in the Trial of Criminal Cases* Prentice-Hall New Jersey
- Samuelson P 1984 'Good Legal Writing: Of Orwell and Window Panes' *University of Pittsburg Law Review* 46: 149-69
- Shklovsky V 2015 'Art, as Device' *Poetics Today* 36/3: 151-74
- Simchy-Gross R and Margulis E 2018 'The Sound-to-Music Illusion: Repetition Can Musicalise Non-speech Sounds' *Music and Science* 1
- Sitsky L 1997 'Relationships-in-Progress: First Time Collaborators Discuss the Evolution of Their Soon-to-be Premiered Operas' *Sounds Australian* 15/49: 14-9

Sean Mulcahy

- Slavin J 2002 'Ambitious approach, but a thing of shreds and patches' *The Age* 28 October 2002 <<https://www.theage.com.au/entertainment/art-and-design/ambitious-approach-but-a-thing-of-shreds-and-patches-20021028-gduqh3.html>>
- Smith M 2012 'Midnight Son review' *The Age* 18 May 2012 <<https://www.smh.com.au/entertainment/opera/midnight-son-20120517-1yt8a.html>>
- Stronsick L, Tuft S, Incera S and McLennan C 2018 'Masculine Harps and Feminine Horns: Timbre and Pitch Level Influence Gender Ratings of Musical Instruments' *Psychology of Music* 46/6: 896-912
- Taylor L 2013 'Voice, Body and the Transmission of the Real in Documentary Theatre' *Contemporary Theatre Review* 23/3: 368-79
- Trueman M 2017 'Tom Deering: "No one is interested in making a musical any more"' *The Stage* 7 July 2017
- Wahlquist C 2020 'Get On The Beers, the Christmas lights edition, takes suburban Melbourne by storm' *The Guardian* 22 December 2020 <<https://www.theguardian.com/australia-news/2020/dec/22/daniel-andrews-get-on-the-beers-christmas-lights-edition-takes-suburban-melbourne-by-storm>>
- Walhout D 1986 'Discovery and Creation in Music' *The Journal of Aesthetics and Art Criticism* 45/2: 193-5
- Watkiss S 2017 *Committee: Behind the Scenes* <<https://donmar.s3.amazonaws.com/behindthescenes/committee/index.html>>
- Watt G 2020 'Law Making Music' *Law and Humanities* 14/1: 26-56
- West R 1988 'Jurisprudence and Gender' *University of Chicago Law Review* 55/1: 1-72
- Westwood M 2006 'Has opera lost the plot?' *Weekend Australian* 25 March 2006
- White J 1984 'The Judicial Opinion and the Poem: Ways of Reading, Ways of Life' *Michigan Law Review* 82/7: 1669-99
- Workman A 2016 'The Senate literally didn't go to sleep last night and shit got weird' *BuzzFeed News* 17 March 2016 <buzzfeed.com/aliceworkman/all-night-long>
- Yussuf A 2020 'Tune of Melbourne's lockdown Get On the Beers cracks iTunes charts' *The Feed* 30 October 2020 <<https://www.sbs.com.au/news/the-feed/tune-of-melbourne-s-lockdown-get-on-the-beers-cracks-itunes-charts>>

Singing the Law: The Musicality of Legal Performance

- Zable A 1983 'Dusty film review' *Cinema Papers* 43: 157-8
- Zavros D 2017 'London Road: The "Irruption of the Real" and Haunting Utopias in the Verbatim Musical' in Rodosthenous 2017: 212-29

Cases

- Australian Broadcasting Corporation v Hanson* [1998] QCA 306 (28 September 1998)
- R v Chamberlain* (Unreported, Northern Territory Supreme Court, 29 October 1982)
- Re Chamberlain* [1988] NTCCA 3 (15 September 1988)

Radio, television and other media

- Australian Voices 2014 *Not Now, Not Ever!* (ft. Julia Gillard) <<https://www.youtube.com/watch?v=tpavaM62Fgo>>
- Baillie R 2002 'Azaria Chamberlain Story Provides Inspiration for New Opera' *The 7.30 Report* ABC TV 22 October 2002
- Flick L 2017 'Adam Joseph Interview' SiriusXM 21 August 2017 <<https://www.youtube.com/watch?v=wSJMEBXiGLI>>
- Ford A 2002 'Moya Henderson' *The Music Show* ABC Radio 26 July 2002 <<https://www.abc.net.au/radionational/programs/musicshow/moya-henderson/3524224>>
- Ford A 2015 'Moya Henderson' *The Music Show* ABC Radio 5 July 2015 <<https://www.abc.net.au/radionational/programs/musicshow/moya-henderson/6587374>>
- Fraser H and Rourke J 2017 *Kids Co* unpublished draft with working title
- Henderson M 1997 *Lindy* score Henderson Editions Church Point
- Joseph A 2017 *Reclaiming My Time* (ft. Maxine Waters) <<https://www.youtube.com/watch?v=1FTAezDFEdk>>
- Lawson M 2011 'The Ipswich murders become a stage production: London Road' *Front Row* BBC Radio 4 13 April 2011 <<https://www.bbc.co.uk/programmes/b0106rvh>>
- Mashd N Kutcher 2020 *Get on The Beers* (ft. Dan Andrews) <<https://www.youtube.com/watch?v=7hOK5JF5XGA>>

Sean Mulcahy

- National Theatre 2012 'London Road Interviews with Alecky Blythe, Adam Cork and Rufus Norris' *You Tube* 10 July 2012 <<https://www.youtube.com/watch?v=9y3sEIEuJs>>
- Slater C 2017 'How do you write about real people?' *Power Season Debate 5* Donmar Warehouse 7 August 2017 <<https://soundcloud.com/donmarwarehouse/power-season-debate-4-how-do-you-write-about-real-people>>
- The Crossing 2017 *(Ch)oral Argument* < <https://www.youtube.com/watch?v=wyP3msDpLrw>>
- The Project 2020 'Jeff van de Zandt: TikTok Lockdown Sensation' *The Project* Network 10 12 June 2020 <<https://twitter.com/theprojecttv/status/1271366181841240064?s=20>>
- Unknown 2016 *Fancy Pants* (ft. Stephen Conroy) <<https://soundcloud.com/workmanalice/stephen-conroy-v-is-it-a-banger>>
- van de Zandt J 2020 *Andrew, Katherine* (ft. Scott Morrison) <<https://vm.tiktok.com/ZSJQFTjN1>>